

FILED  
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT PENNSYLVANIA

'06 FEB 10 12:08

LOCAL UNION ON. 459 OF THE  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO,

Plaintiff,

vs.

PENNSYLVANIA ELECTRIC  
COMPANY, A FIRST ENERGY  
COMPANY,

Defendant.

CLERK  
U.S. DISTRICT COURT

CASE NO. 04-347E

JUDGE: SEAN J. MCLAUGHLIN

**MOTION TO CORRECT THE  
RECORD**

Now comes Defendant, Pennsylvania Electric Company, and hereby moves the Court to correct the transcript of proceedings of a status conference held on April 28, 2005. A copy of the transcript of those proceedings is attached hereto as Exhibit A.

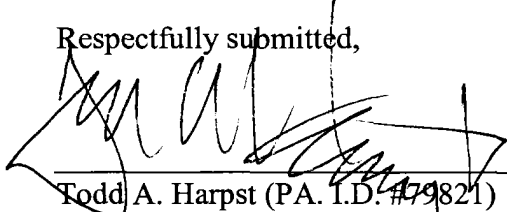
Shortly after a transcript of proceedings was received in the instant case, counsel for Defendant wrote to Plaintiff's counsel requesting agreement that certain errors in the record be corrected. (See correspondence of June 6, 2005 attached hereto as Exhibit B). Defendant's counsel has repeatedly followed-up with Plaintiff's counsel on this issue. However, Marianne Oliver has not taken the few minutes necessary to review the transcript and to respond to these items. She has indicated in telephone conferences that she is too busy to turn her attention to this matter and would soon get back to Defendant's counsel as to the corrections. However, she has not followed through despite the many months that have passed.

The instant case, as the transcript will indicate, was resolved so that its issues would be addressed in arbitration. The arbitration of this matter is set for February 23, 2006. It appeared that the matter might be resolved but as of today this seems very unlikely.

The transcript of the Court's proceedings are extremely relevant to defining the issues to be heard by the Arbitrator. As it stands, however, there are errors in the transcript. These can readily be determined because certain passages do not make sense, while other errors are apparent once they are read in the context of the discussion that occurred on April 28, 2005.

Defendant would request that this matter be expedited and that a ruling be issued by February 22, 2006. The fifteen corrections set out in the letter of June 6, 2005 are requested to be adopted by the Court. The actions of Plaintiff's counsel have made this Motion necessary and have also created this time pressure. Plaintiff's counsel should not be allowed to drag her feet in responding to this Motion or in delaying the ruling. Enough delay on the Union's end has already occurred. The corrections requested are common sense and difficult to dispute. Plaintiff should not be allowed to potentially take advantage of the inaccuracy in the proceedings recorded before this Court and use them unfairly in the upcoming arbitration.

Respectfully submitted,



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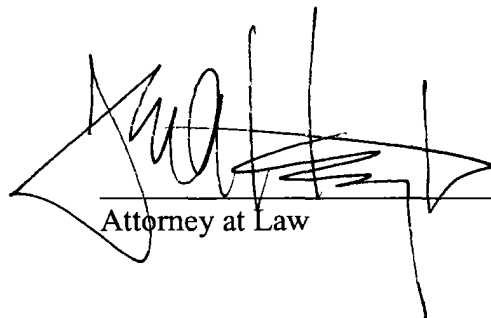
Facsimile: 330.376.4577

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon the following parties via regular U.S. Mail, postage prepaid this 9th day of February, 2006:

Marianne Oliver, Esq.  
Gilardi Cooper & Lomupo  
223 Fourth Ave., 10th Floor  
Pittsburgh, PA 15222

  
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Attorney at Law

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